

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Contour Design, Inc.

v.

Civil No. 09-cv-451-JL

Chance Mold Steel Co., Ltd.
and EKTough Co., Ltd.

TEMPORARY RESTRAINING ORDER

Having today conducted a hearing on the plaintiff's emergency motion for a temporary restraining order, at which all parties appeared through counsel, the court hereby GRANTS the plaintiff's motion (document no. 2). As will be explained in detail in a memorandum opinion to issue shortly, and was explained by the court orally at the hearing, the plaintiff Contour Design, Inc. has demonstrated (A) a likelihood of success on the merits of its claim that defendant EKTough Co. Ltd.'s ERGO Roller product amounts to a misappropriation of Contour's trade secret, (B) that Contour will suffer irreparable harm absent a temporary restraining order, (C) that this harm outweighs any harm the defendants will suffer from such an order, and (D) the public interest favors issuance of such an order.

WHEREFORE, it is hereby ordered that the defendants, Chance Mold Steel Co., Ltd. and EKTough Co., Ltd., and their officers, agents, servants, employees and attorneys, who receive actual notice of the order by personal service or otherwise as provided


in Rule 65(d)(2) of the Federal Rules of Civil Procedure, are enjoined from:

(1) showing, selling, marketing, distributing, discussing, or displaying the product known as the ERGO Roller, or any similar ergonomic computer mouse featuring a removable roller, at the Consumer Electronics Show in Las Vegas, Nevada, between January 7, 2010 and January 10, 2010, inclusive; and

(2) showing, selling, marketing, distributing, discussing, or displaying the product known as the ERGO Roller, or any similar ergonomic computer mouse featuring a removable roller, to any person within the United States, for a period commencing forthwith and ending fourteen days from the date hereof.

Notwithstanding the foregoing, this order shall expire should Contour fail, by the close of court business on January 13, 2009, to post security in the amount of fifty thousand dollars (\$50,000) to cover the defendants' costs and damages, if any, in the event this order is found to have wrongfully issued.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: January 6, 2010

cc: Lawrence L. Blacker, Esq.
Peter G. Callaghan, Esq.